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AGREEMENT

Between The  
Soil Conservation Service, Department of Agriculture  
And The  
Corps of Engineers, Department of the Army

9/65

WITH RESPECT TO FLOOD PROTECTION BY ENGINEERING WORKS

Objectives

The Corps of Engineers of the Department of the Army, and the Soil Conservation Service of the Department of Agriculture, enter into this agreement in order to:

- a. Provide a basis for deciding which agency will assume primary responsibility for providing flood protection by means of engineering works in those instances in which either agency could assume such responsibility under available legislative authorities;
- b. ~~Assure~~ assure that both agencies follow the same policy in dealing with local interests; and,
- c. foster coordination in the preparation of flood protection plans for areas in which there is a mutual interest.

Agreement

The Corps of Engineers and the Soil Conservation Service agree:

1. That they will endeavor to plan any engineering works which they may propose for flood protection, as harmonious components of plans for the optimum development of the river basin or region in which they are located.

2. That in the preparation of plans under the authorities of Public Law 566 the primary flood protection objective of the Soil Conservation Service will be to provide protection for upstream agricultural flood plains and for those upstream urbanized areas where flood problems of minor magnitude exist; but that this will not preclude the

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inclusion in Public Law 566 plans of upstream engineering works for, (a) the protection of downstream agricultural flood plain lands pursuant to section 4 hereof, or (b) the protection of upstream urbanized areas, pursuant to section 8 hereof, where flood problems of intermediate magnitude exist.

3. That in the preparation of plans under the authorities of the Flood Control Acts the primary flood protection objective of the Corps of Engineers will be to provide protection for downstream agricultural flood plains and for urbanized areas where flood problems of major magnitude exist; but this will not preclude the inclusion in plans prepared under the Flood Control Acts of upstream engineering works for, (a) the protection of upstream agricultural flood plain lands pursuant to section 5 of this agreement, or (b) the protection of upstream urbanised areas, pursuant to section 8 hereof, where flood problems of intermediate magnitude exist.

4. That within the limitations of Public Law 566 the Soil Conservation Service may provide, in addition to land treatment and minor engineering works, reservoir capacity the primary purpose of which is to protect downstream flood plains if the following conditions are met:

- a. That such capacity is provided by ungated storage of not more than 12,500 acre-feet for flood protection in any single reservoir.
- b. That protection by this means would be more economic than protection by reservoirs providing more than 12,500 acre-feet of capacity for flood protection in any single reservoir.
- c. That the proposal is consistent with any existing or contemplated comprehensive river basin or regional plan.
- d. That the Corps of Engineers has been given an opportunity to review the proposal and its views have been considered.

5. That the Corps of Engineers may provide reservoir capacity the primary purpose of which is to protect upstream agricultural flood plains if the following conditions are met:

- a. That protection by this means would be more economic than protection by a combination of land treatment and structural works that could be provided under the authorities of Public Law 566.

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- b. That the proposal is consistent with any existing or contemplated comprehensive river basin or regional plan.
- c. That the Soil Conservation Service has been given an opportunity to review the proposal and its views have been considered.

6. That the Soil Conservation Service will generally provide protection for upstream urbanized areas at which the flood problem is of "minor magnitude."

7. That the Corps of Engineers will generally provide protection for upstream urbanized areas at which the flood problem is of "major magnitude."

8. That when either the Soil Conservation Service or the Corps of Engineers contemplates the provision of flood protection for any upstream urbanized area at which the flood problem is of "intermediate magnitude" it will inform the other party to this agreement, and that the two parties will consult with a view to reaching agreement as to which of them should provide such protection. Such consultations shall be guided by the following:

- a. In general, the Corps of Engineers will assume responsibility where, (1) a very high degree of protection is needed (i.e., where a great flood would result in such catastrophic damages and possible loss of life that protection against a flood larger than a 100 year flood appears to be justified), or (2) where protection (regardless of the degree of protection contemplated) can most economically be provided by local protection works.
- b. In general, the Soil Conservation Service will assume responsibility where, (1) protection against a flood of 100 year magnitude or less is found to be adequate, or (2) protection may most economically be provided principally by upstream reservoirs none of which provide more than 12,500 acre-feet of flood protection capacity, or (3) protection of upstream agricultural lands may be advantageously combined with protection of the urban area.

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- c. Consideration shall also be given to the readiness of the two agencies to proceed promptly and to the desires of the interests to be benefited.

Agreements resulting from such consultations shall be confirmed in writing.

9. That when either the Soil Conservation Service or the Corps of Engineers concludes that for a particular situation special conditions would justify an assignment of responsibility not in conformance with section 6 or section 7 hereof, it may propose a consultation similar to that provided for by section 8 hereof and propose a departure from the provisions of sections 6 and 7.

10. That in the event consultations at field level under sections 8 or 9 hereof fail to result in agreement as to the proper assignment of responsibility for protecting a specific urbanized area, the issue shall be referred to the Washington Offices of the Soil Conservation Service and the Corps of Engineers for further consideration.

11. That the definitions of Supplement A shall govern the interpretation of this agreement.

12. That the agreement of 19 January 1959 between the parties hereto shall remain in effect.

13. That this agreement shall become effective upon the date of approval of legislation raising to 12,500 acre-feet the limit on the floodwater detention capacity which may be provided in any reservoir proposed under the authorities of Public Law 566, and that the provisions hereof shall govern all planning initiated after that date by either of the parties hereto.

/s/ William F. Cassidy  
WILLIAM F. CASSIDY  
Lieutenant General, USA  
Chief of Engineers

23 Sept 65  
(Date)

/s/ D. A. Williams  
D. A. WILLIAMS  
Administrator, Soil  
Conservation Service

23 Sept 65  
(Date)

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SUPPLEMENT A

DEFINITIONS OF TERMS\*

"Upstream": Above the point at which the drainage area equals 250,000 acres.

"Downstream": Below the point at which the drainage area equals 250,000 acres.

"Urbanized area": A city, town or other area occupied by residences, public or commercial buildings and industrial structures, or expected to be so occupied within a period of 10 years; the area so occupied being essentially continuous.

"Urban flood problem of major magnitude": The flood problem at an urban area where a flood large enough to inundate substantially the entire flood plain would, should it occur ten years in the future, probably result in flood damages exceeding \$2,000,000.

"Urban flood problem of minor magnitude": The flood problem at an urban area where a flood large enough to inundate substantially the entire flood plain would, should it occur ten years in the future, probably result in flood damages of less than \$750,000.

"Urban flood problem of intermediate magnitude": The flood problem at an urban area where a flood large enough to inundate substantially the entire flood plain would, should it occur ten years in the future, probably result in flood damages exceeding \$750,000, but less than \$2,000,000.

\*Reference Agreement Between The Soil Conservation Service, Department of Agriculture and The Corps of Engineers, Department of the Army with respect to flood protection by Engineering Works.